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2 **§ 101 Rejections**

3 Claims 9-11, 13-19 and 21-22 stand rejected under 35 U.S.C. § 101
4 because, in the Office's opinion, the claimed invention is directed to non-statutory
5 subject matter. Specifically, the Office asserts that the claims are directed to a
6 computer program per se. Independent claims 9 and 16 have been amended to
7 recite that the flash driver is embodied on a computer readable storage medium.
8 Applicant believes, with this amendment, the office's rejections are traversed.

9
10 **§ 112 Rejections**

11 Claims 9-11, 13-19 and 21-22 stand rejected under 35 U.S.C. § 112, first
12 paragraph, for, in the Office's opinion, not being supported by either a specific and
13 significant asserted utility or a well-established utility. Applicant respectfully
14 disagrees. For example, claim 9 specifically recites that the flash medium logic is
15 programmable to permit users to match particular medium requirements of a
16 specific manufacturer. Likewise, independent claim 16 recites that the flash
17 medium logic is programmable to permit users to match particular flash medium
18 requirements of a specific manufacturer. Applicant respectfully submits that this
19 subject matter recites a specific utility, i.e., providing program ability to permit
20 particular medium requirements of a specific manufacturer to be matched.

21 In view of the above comments, Applicant respectfully submits that the
22 office's rejections are traversed.
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1 **§ 103 Rejections**

2 Claims 1, 5-11, 15-18, 22-25, 29-33 and 37-44 stand rejected under 35
3 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,799,168 (“Ban”), in
4 view of U.S. Patent No. 6,725,321 (“Sinclair”) in further view of U.S. Patent No.
5 5,875,478 to Blumenau and U.S. Patent No. 6,253,281 (“Hall”).

6 Claims 3-4, 13-14, 19, 21, 26, 28, 34 and 36 stand rejected under 35 U.S.C.
7 § 103(a) as being unpatentable over Ban in view of Sinclair, in further view of
8 Blumenau, U.S. Patent No. 6,493,807 (“Martwick”) and U.S. Patent No.
9 6,253,281 (“Hall”).

10 Claims 46 and 47 stand rejected under 35 U.S.C. §103(a) over Hall and
11 Martwick.

12 Claims 48 and 52 stand rejected under 35 U.S.C. § 103(a) over Hall in view
13 of Ban.

14 Claim 49 stands rejected under 35 U.S.C. § 103(a) over Hall in view of
15 Sinclair.

16 Claim 51 stands rejected under 35 U.S.C. § 103(a) over Hall in view of
17 Sinclair.

18
19 **The Claims**

20 During the interview referenced above, applicant and examiner discussed
21 the reference to and combination of Ban and Blumenau. Specifically, as noted
22 above, Ban employs a controller that is capable of interpreting signals from a
23 standardized driver into particular commands to a flash unit. Ban instructs that its
24 CPU produces commands necessary to perform flash memory tasks in a uniform,
25 standardized format. Ban's solution, as instructed by Ban, moves the problem of

1 conforming to particular requirements of the flash chip from the driver installed on
2 the CPU onto a *controller installed on the flash unit*. Thus, each of Ban's flash
3 units has its own unique controller that is configured to receive commands that are
4 expressed in a standard format.

5 Blumenau simply teaches the notion of incorporating a backup driver in the
6 kernel space of a computer in host disk. Applicant and examiner agreed that
7 making the combination of these references, as suggested by the office, would run
8 contrary to Ban's teaching of including, on each flash unit, its own unique
9 controller.

10 **Claim 1** recites, in pertinent part, that the flash memory driver resides as a
11 component within an operating system of the computer. During the interview, it
12 was agreed that modifying Ban with the teachings of Blumenau would run
13 contrary to Ban's specific teaching that its functionality occurs in the flash unit
14 itself.

15 Likewise, **claim 9** recites, in pertinent part, that the flash driver resides as a
16 component within an operating system of the computer. During the interview, it
17 was agreed that modifying Ban with the teachings of Blumenau would run
18 contrary to Ban's specific teaching that its functionality occurs in the flash unit
19 itself.

20 **Claim 16** recites, in pertinent part, a flash driver that is programmable to
21 permit users to match particular flash medium requirements of a specific
22 manufacturer. Ban does not disclose any such subject matter. Rather, its
23 matching functionality is provided by a driver installed on a flash unit. The
24 installed driver is specifically configured for its particular flash unit and is not
25 programmable in a manner that permits users to match particular flash medium

1 requirements of a specific manufacturer.

2 **Claim 23** recites, in pertinent part, that flash media logic and flash
3 abstraction logic reside within an operating system of a processing device. During
4 the interview, it was agreed that modifying Ban with the teachings of Blumenau
5 would run contrary to Ban's specific teaching that its functionality occurs in the
6 flash unit itself.

7 **Claim 33** recites that the method is performed by way of a component
8 residing within an operating system of the processing device. During the
9 interview, it was agreed that modifying Ban with the teachings of Blumenau
10 would run contrary to Ban's specific teaching that its functionality occurs in the
11 flash unit itself.

12 **Claim 42** recites, in pertinent part, that the flash driver is located as a
13 component within an operating system and is remote from the flash memory
14 medium. During the interview, it was agreed that modifying Ban with the
15 teachings of Blumenau would run contrary to Ban's specific teaching that its
16 functionality occurs in the flash unit itself.

17 **Claim 43** recites, in pertinent part, that the flash driver resides as a
18 component within an operating system. During the interview, it was agreed that
19 modifying Ban with the teachings of Blumenau would run contrary to Ban's
20 specific teaching that its functionality occurs in the flash unit itself.

21 **Claim 44** recites, in pertinent part, that the flash driver is located as a
22 component within an operating system and is remote from the flash memory
23 medium. During the interview, it was agreed that modifying Ban with the
24 teachings of Blumenau would run contrary to Ban's specific teaching that its
25 functionality occurs in the flash unit itself.

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Conclusion

The Applicant respectfully submits that the pending claims are in condition for allowance. Accordingly, Applicant requests a Notice of Allowability be issued forthwith. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully submitted,

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